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TAGS: PHUM PGOV PREL KCRM RS

SUBJECT: NEW TRIAL ORDERED FOR SYNAGOGUE ATTACKER

REF: A. MOSCOW 152

1B. MOSCOW 262

1C. MOSCOW 4624

Classified By: Political Minister-Counselor Kirk Augustine. Reason 1.4
(b, d)

11. (SBU) On June 20 the Russian Supreme Court ordered a new trial for Aleksandr Koptsev, who on March 27 had been convicted of knifing nine people in the Chabad synagogue in Moscow on January 11. The trial court had sentenced Koptsev to thirteen years in prison on several counts of attempted murder motivated by national or religious hatred.

12. (SBU) Both the prosecution and the defense appealed the verdict. The defense sought to have Koptsev's sentence reduced based on his mental and physical condition, and because the sentence was longer than that received by other criminals who actually killed, and not only wounded, their victims. The prosecution, backed by lawyers representing victims, wanted to have charges of inciting national or religious enmity (Article 282 of the Russian Criminal Code) also brought against Koptsev. The judge in the original trial had dismissed the Article 282 charges against Koptsev, but its June 20 decision the Supreme Court ruled in favor of the prosecution and the victims and ordered a new trial.

13. (C) Many members of Jewish community and some in the human rights community had told us about their dismay at the March 27 decision. However, some experts on hate crimes believe that too much emphasis is placed on Article 282. It is intended to fight racist propaganda while other articles of Russian law specifically address violence based on national or religious hatred (ref C).

14. (C) Nevertheless some observers believe that the Supreme Court's decision to allow the Article 282 charges is an important step in fighting hate crimes. In a June 21 meeting Rabbi Adolf Shayevich, Chief Rabbi of Russia, told visiting members of the U.S. Commission on International Religious Freedom that it was important that Koptsev be convicted on the right charges, including Article 282, even if he is sentenced to less time than in his original conviction. Earlier in the day, Deputy Secretary of the Russian Security Council Nikolay Spasskiy told members of the Commission, that the Supreme Court's decision demonstrated that Russia is serious about combating hate crimes.

15. (C) Comment: It remains to be seen whether this latest move is a sign of increasing government willingness to seriously address the problem of hate crimes, or just an isolated development in a high-profile case. Obviously the ordering of a re-trial opens up the possibility of a shorter sentence, or conceivably even an acquittal. Koptsev's lawyers have indicated that they may press in the new proceedings for a trial by jury, with the hope that it might return a "softer" verdict.

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